

Appln No. 09/575,195
Amtd. Dated September 14, 2004
Response to Office action of July 7, 2004

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REMARKS/ARGUMENTS

The Applicant thanks the Examiner for the Office Action dated July 12, 2004.

VOLUNTARY AMENDMENTS

Claims 1, 4, 5, 29, 32, 33 and 49 have been amended to specify that the sensing device senses coded data and generates indicating data.

CLAIM REJECTIONS - 35 USC § 112

1. Enablement Requirement

The Applicant contests the Examiner's assertion that the specification does not fulfil the enablement requirement under 35 USC § 112.

On page 11, lines 3-4 of the description, it is stated that:

In the preferred embodiment, the invention is configured to work with the netpage networked computer system.

On page 11, lines 26-27 of the description, it is stated that:

... the coded data can be sensed by an optically imaging pen and transmitted to the netpage system.

The pen is described in detail on pages 29-31 of the description, which leaves the reader in no doubt that the pen is part of the netpage system. The Examiner's attention is drawn particularly to the first sentence on page 29, where it is stated that:

The active sensing device of the netpage system is typically a pen 101 ...

Lastly, the system for purchasing, as claimed in claims 1-59, is described in detail on pages 73-80 of the description. The first sentence on page 73 makes it unambiguously clear that the purchasing system makes use of the netpage system described earlier in the specification. Specifically, it is stated that:

The netpage system provides efficient mechanisms for merchants to offer goods and services to customers, and for customers to select and pay for those goods and services.

Hence, it is abundantly clear that the purchasing system of the present invention makes use of the generic netpage system, of which the sensing device (or "pen") is a component.

2. Clarity

Claims 1, 4, 5, 29, 32, 33 and 49 have been amended to specify "purchasing via an interactive form". All references to "online purchasing" have been deleted from the claims. Accordingly, it is submitted that the claims are definite and distinctly claim the subject-matter of the invention.

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3. Essential Steps

In deference to the Examiner's objection, independent method claims 1, 4 and 5 now specify a step of "interacting with the form via a sensing device". However, it is submitted that specifying further steps in the claims is unnecessary. All the claims state that the computer system identifies a purchasing parameter using data received from the sensing device. One way of identifying a purchasing parameter is described in detail on pages 73-81 of the specification. However, in the Applicant's submission, the steps of downloading and printing a form, and a netpage application running on a netpage server are not necessary in the claims. The computer system merely needs to identify a purchasing parameter using data received from the sensing device; how precisely this is achieved is not essential to the invention.

CLAIM REJECTIONS - 35 USC § 102

The Applicant contests the Examiner's assertion that the features of claim 1 are described in Buckley *et al.* (US 6,446,871).

The present invention makes uses of a sensing device (or pen) interacting, the indicating data containing information regarding the identity of the form and the position of the pen relative to the form. Once the computer system receives this information (i.e. a "coordinate" of the pen on a particular form), it can identify a parameter relating to a purchasing transaction, such as a shipping address or a payment method. This identification by the computer system typically involves looking up the particular form in a database and comparing the pen coordinates with a stored map of the form. If the pen coordinates coincide with an interactive element on the form, the computer system is able to identify a parameter relating to the purchasing transaction.

The Applicant wishes to emphasize that in the presently claimed method, the data received by the computer system contains data relating to the position of the pen relative to the form (i.e. position coordinates) and the computer uses this position information to identify a parameter relating to the purchasing transaction. A significant advantage of this method is that the same pen can be used to perform an almost limitless number of tasks, making it extremely versatile. The computer system can initiate any type of action once it knows the document with which the pen is interacting and the position of the pen relative to the document. The pen is not required to store absolute data values specific to a particular task and does not, therefore, need to have a memory adapted for storing specific data types.

Buckley (US 6,446,871)

Buckley fails to describe a method or a system, wherein position coordinate data is sensed by the pen and received by a computer system. In Buckley, the pen reads and stores a unique code, such as a bar code, identifying an article. This is explained at column 4, lines 49-52 of Buckley, where it is stated:

A reader interested in obtaining additional information concerning the subject matter of the article or advertisement utilizes a code reader contained in an instrument such as a pen to read and store a unique code identifying the article.

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The pen in Buckley typically scans a barcode. There is no suggestion that the pen reads coded data to determine its relative position on a page or that the computer uses this position data to identify an action. The pen in Buckley does not store any data regarding its position relative to the page. Accordingly, it is submitted that the present invention is not anticipated by the disclosure of Buckley.

CLAIM REJECTIONS - 35 USC § 103

The Examiner's objections of obviousness relate to features specified in the dependent claims. The Applicant submits that the independent claims are not obvious, because all independent claims specify that the indicating data received by the computer system comprises data regarding the position of the sensing device relative to the form. As explained above, none of the cited prior art teaches or suggests a method or system whereby a sensing devices senses its *position* on a form and transmits this information to a computer system. Accordingly, it is submitted that claim 1 and all claims dependent thereon are not obvious in view of the cited prior art.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

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